

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

I. Ross GARRETT et al.

Application No.: 10/820,565

Filed: April 7, 2004

For: BONE GROWTH STIMULATION WITH  
NO/STATIN AND OTHER NO MODULATING  
COMBINATIONS

Confirmation No.: 8570

Art Unit: 1614

Examiner: Kevin E. Weddington

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office action herein, mailed 27 February 2007, time for response to which was set to expire 27 March 2007. A petition for an extension of time of two (2) months until 27 May 2007 is attached hereto, along with the required fee. Restriction and election of species were required.

Applicants hereby elect to prosecute the invention of claims 40-47 directed to pharmaceutical compositions. This election is made without traverse, as applicants understand that should claim 40 be allowed, rejoinder of the claims in Group I would be permitted.

No amendment to the claims is being made at this time.

As to the election of species, applicants elect as follows:

- A. The elected statin is cerivastatin;
- B. The elected NO generating system is L-arginine;
- C. The elected phosphodiesterase inhibitor is caffeine;
- D. The elected combination is a nitric oxide generating system and a statin-like

compound.

The claims that read on the species election are claims 40-45.

As no amendment to the claims has been made, the claims have not been reprinted.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **docket No. 432722003700**.

Respectfully submitted,

Dated: May 24, 2007

By: Electronic signature: /Kate H. Murashige/  
Kate H. Murashige  
Registration No.: 29,959  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive, Suite 100  
San Diego, California 92130-2040  
Telephone: (858) 720-5112  
Facsimile: (858) 720-5125